THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19632 of 2006

Dated:4.1.2007

Between
Kakumani Ramamohan Rao

.....Petitioner

and

1. The Government of AP rep., by its
Secretary, (Civil Supplies), Secretariat
And others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19632 of 2006

ORDER:

This writ petition is filed seeking a Mandamus to declare the notification issued by the 3rd respondent *vide* proceedings in Rc.No.1485/2006/C, dated 5.9.2006 insofar as it relates to Fair Price Shop No.56, Eluru Town, West Godavari District as arbitrary and illegal and consequently to direct the respondents to consider the claim of the petitioner for appointment as fair price shop dealer in the light of the proceedings in CCS.Ref.No.N5/10045/2005, dated 29.6.2005. issued by the Commissioner of Civil Supplies.

It appears that father of the petitioner Kakumani Parvathalu (late) was the permanent fair price shop dealer of shop No.56, Eluru Town, for about 30 years. After his death on 16.5.2006, his

son, Kakumani Ramamohan Rao, who is the petitioner herein, was entrusted with distribution of essential commodities against the said fair price shop. Thereafter, in-charge arrangement was made, though the petitioner was entitled for being allotted with at least temporary dealership. After that, the impugned notification dated 5.9.2006 was issued inviting applications to fill up the said vacancy.

It is the case of the petitioner that after death of his father, he is entitled for transfer of authorization in his favour. In this regard, the Director of Civil Supplies *vide* proceedings No.CCS Ref.No.N5/10045/2005 dated 29.6.2005 requested the District Collector to examine the feasibility to amend the G.O.Ms.No.53 dated 6.10.2003 for considering the appointment of legal heirs in respect of fair price shops and directed the District Collector to incorporate certain conditions for transfer of authorization in respect of fair price shops. Further, the Commissioner of Civil Supplies *vide* proceedings dated 18.10.2005 called for

certain information from the District Authorities to finalize the issue of transfer of authorization in favour of legal heirs. While that being so, the present notification has been issued for filling up of the vacancy with the permanent dealer.

Learned counsel for the petitioner also relied upon an un-reported Judgment of this Court rendered in W.P.No.27067 of 2005 dated 27.9.2006 wherein the respondents were directed to consider the case of the petitioner therein as per the Circular dated 29.6.2005 and pass appropriate orders as per law, within in a period of six weeks from the date of receipt of the order. Therefore, he submits that this writ petition also be disposed of with the above direction.

It seems that pursuant to the orders passed by this Court in the above said writ petition, the Revenue Divisional Officer, Siddipet has considered the case of the petitioner therein, who was the spouse of the permanent fair price shop dealer and transferred the authorization in the name of the spouse. In this writ petition also, the petitioner

seeks that he is entitled for being transfer of authorization of fair price shop dealership in his name as per Circular dated 29.6.2005 of the Commissioner of Civil Supplies, Andhra Pradesh, Hyderabad.

Hence, the respondents are directed to consider the case of the petitioner as per the Circular dated 29.6.2005 and pass appropriate orders, as per law, within a period of six weeks, from the date of receipt of a copy of this order. Till such time, no permanent arrangement shall be made against the fair price shop No.56, Sekhar Street, Eluru Town, West Godavari District.

With the above direction, the writ petition is disposed of. No costs.

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04-01-2007

Note:
Issue CC by three days
(B.O) rkk